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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

EUGENE DIVISION

NICHOLAS JAMES MCGUFFIN, as an
individual and as guardian *ad litem*, on behalf
of S.M., a minor,

Plaintiffs,

Civil No. 6:20-cv-01163-MK
(Lead Case)

v.

MARK DANNELS, PAT DOWNING,
SUSAN HORMANN, MARY KRINGS,
KRIS KARCHER, SHELLY MCINNES,
RAYMOND MCNEELY, KIP OSWALD,
MICHAEL REAVES, JOHN RIDDLE, SEAN
SANBORN, ERIC SCHWENNINGER,
RICHARD WALTER, CHRIS WEBLEY,
ANTHONY WETMORE, KATHY WILCOX,
CRAIG ZANNI, DAVID ZAVALA, JOEL D.
SHAPIRO AS ADMINISTRATOR OF THE
ESTATE OF DAVID E. HALL, VIDOCQ
SOCIETY, CITY OF COQUILLE, CITY OF
COOS BAY, and COOS COUNTY,

Defendants.

PLAINTIFFS' MOTION FOR LEAVE
TO CONDUCT RULE 30(b)(6)
DEPOSITIONS OF CITY/COUNTY
DEFENDANTS AFTER DEPOSITION
DEADLINE

VIDOCQ SOCIETY,
Cross-Claimant,

v.

MARK DANNELES, PAT DOWNING,
SUSAN HORMANN, MARY KRINGS,
KRIS KARCHER, SHELLY MCINNES,
RAYMOND MCNEELY, KIP OSWALD,
MICHAEL REAVES, JOHN RIDDLE, SEAN
SANBORN, ERIC SCHWENNINGER,
RICHARD WALTER, CHRIS WEBLEY,
ANTHONY WETMORE, KATHY WILCOX,
CRAIG ZANNI, DAVID ZAVALA, JOEL D.
SHAPIRO AS ADMINISTRATOR OF THE
ESTATE OF DAVID E. HALL, VIDOCQ
SOCIETY, CITY OF COQUILLE, CITY OF
COOS BAY, and COOS COUNTY
Cross-Defendants.

NICHOLAS JAMES MCGUFFIN, as an
individual and as guardian *ad litem*, on behalf
of S.M., a minor,
Plaintiffs,

Civil Case No. 3:21-cv-01719-MK
(Trailing Case)

v.

OREGON STATE POLICE,
Defendant.

I. RULE 7-1 CERTIFICATE OF COMPLIANCE

Pursuant to LR 7-1, counsel for Plaintiffs Nicholas McGuffin and S.M. conferred with counsel for the Defendants in advance of filing this motion. The Defendants do not object to Plaintiffs' request to take three agency depositions after the current deadline for non-expert witness depositions. The parties disagree about whether the extension should impact any other deadlines in the case and what a reasonable extension of those deadlines would be. Plaintiffs do not request, in this motion, an extension of any other deadlines.

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II. RELIEF REQUESTED

Pursuant to Local Rule 16-3(a), Plaintiffs request the Court permit leave to conduct the Rule 30(b)(6) depositions of Defendants City of Coquille, City of Coos Bay, and Coos County (the “City/County Agency Defendants”) beyond the deadline for non-expert witness depositions. Plaintiffs were unable to take these depositions as scheduled in December 2023 due to the Defendants’ disclosure of policy documents that impact the scope of the depositions.

III. POINTS AND AUTHORITIES

During the Rule 16 conference on May 10, 2023, the Court ordered the parties to complete all non-expert witness depositions by October 31, 2023. The parties submitted a schedule of depositions on June 1, 2023.¹

On November 16, 2023, the parties submitted a joint request to extend the deadline for non-expert witnesses to December 31, 2023, to accommodate 11 depositions, including the Rule 30(b)(6) depositions of the City/County Agency Defendants.² The Court ordered the parties to complete the non-expert witness depositions by December 31, 2023.³ Pursuant to the Court’s order, Plaintiffs noted the Rule 30(b)(6) depositions of the City/County Agency Defendants for December 20 and 21, 2023.⁴

On the evening of December 19, 2023—the evening before the depositions were scheduled to begin—the City/County Agency Defendants produced policy documents pertaining to the Coos Bay Police Department and Coos County Sheriff’s Office.⁵ These Defendants

¹ Joint Status Report Regarding Deposition Schedule for Non-Expert Witnesses [Dkt. No. 169].

² Joint Motion to Extend Deadline for Non-Expert Depositions and Expert Disclosures [Dkt. No. 220].

³ Order [Dkt. No. 222]. The parties requested, and the Court ordered, the Rule 30(b)(6) deposition of Defendant Vidocq Society be extended beyond the December 31 deadline to accommodate the schedules of counsel and the designee.

⁴ Plaintiffs’ Notice of Depositions (Exhibit 1 to Declaration of Janis C. Puracal in Support of Plaintiffs’ Motion for Leave (“Puracal Decl.”)).

⁵ Email from Owens to Parties, dated December 19, 2023, at page 5 (Exhibit 2 to Puracal Decl.).

produced additional documents on December 30, 2023.

Because the policies impact the scope of Plaintiffs' questions for the agency designees, Plaintiffs and the City/County Agency Defendants agreed to postpone the depositions until Plaintiffs had a reasonable opportunity to review the materials produced in December.⁶ The parties are actively working to find new dates for the depositions, with the Court's approval.

Plaintiffs ask the Court to permit Plaintiffs to conduct the Rule 30(b)(6) depositions of the City/County Agency Defendants after the deadline of December 31, 2023. Plaintiffs do not believe the limited extension to conduct three depositions should affect any other deadlines in the case, although Plaintiffs understand the Defendants may seek to extend other deadlines.

IV. CONCLUSION

Based upon the foregoing, Plaintiffs ask the Court to permit Plaintiffs to conduct the Rule 30(b)(6) depositions of the City/County Agency Defendants after the December 31, 2023, deadline for non-expert witness depositions.

DATED: December 31, 2023

MALONEY LAUERSDORF REINER PC By <u>/s/Janis C. Puracal</u> Janis C. Puracal, OSB #132288 E-Mail: jcp@mlrlegalteam.com Andrew C. Lauersdorf, OSB #980739 E-Mail: acl@mlrlegalteam.com	LOEVY & LOEVY By <u>/s/David B. Owens</u> David B. Owens, WSBA #53856 E-Mail: david@loevy.com <i>Pro hac vice</i>
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⁶ *Id.*

CERTIFICATE OF SERVICE

I hereby certify that on December 31, 2023, the foregoing PLAINTIFFS' MOTION FOR LEAVE TO CONDUCT RULE 30(b)(6) DEPOSITIONS OF CITY/COUNTY DEFENDANTS was served on the following parties at the following address by sending to them a true copy thereof via the method indicated below:

Robert E. Franz, Jr. Sarah R. Henderson Law Office of Robert E. Franz, Jr. PO Box 62 Springfield, OR 97477 rfranz@franzlaw.comcastbiz.net shenderson@franzlaw.comcastbiz.net <i>Attorneys for Defendants</i> <i>City of Coquille, City of Coos Bay, Coos</i> <i>County, Craig Zanni, Chris Webley, Eric</i> <i>Schwenninger, Sean Sanborn, Ray McNeely,</i> <i>Kris Karcher, Pat Downing, Mark Dannels,</i> <i>Kip Oswald, Michael Reaves, David Zavala,</i> <i>Anthony Wetmore, Shelly McInnes</i>	Jesse B. Davis Todd Marshall Oregon Department of Justice 100 SW Market Street Portland, OR 97201 todd.marshall@doj.state.or.us jesse.b.davis@doj.state.or.us <i>Attorneys for Defendants Oregon State</i> <i>Police, John Riddle, Susan Hormann,</i> <i>Mary Krings, Kathy Wilcox</i>
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☒ by electronic means through the Court's ECF System on the date set forth above.

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